



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/848,751	05/19/2004	Andreas Knoefel	Baby-00100	4649

7590 06/01/2006

Valley Oak Law
#106
5655 Silver Creek Valley Road
San Jose, CA 95138

EXAMINER

TOMPKINS, ALISSA JILL

ART UNIT	PAPER NUMBER
----------	--------------

3765

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/848,751	Applicant(s) KNOEFEL ET AL.	
	Examiner Alissa J. Tompkins	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Swart (U.S. 4,304,006). Swart discloses a one-piece coverall garment 10 comprising a lower trouser section 12 and a blouse section 14. The trouser section has separate leg coverings 16 and 18, which terminate at ankle openings 20 and 22. The leg coverings are fastened to the wearer through the use of elastic webs 24 and 26 and wrap fully around the legs of the wearer (Column 2, 38-47). The blouse has full-length sleeves 28 and 30 having wrist openings 32 and 34. The sleeves are fastened to the wearer through the use of elastic webs 36 and 38 (Column 2, 48-51). The backside 44 of the blouse is open and leaves the back of the user substantially uncovered with a deep cut-out opening 46. A drawstring 50 joins the material across the back of the wearer and fastens around the wearer's neck. The coverall garment is made of a foundation liner 54, which is a lightweight disposable material such as cotton or paper. An absorbent layer 56 is bonded to the liner and is made of the type of paper material typically used to make disposable diapers. The foundation liner is treated with a coating of polyurethane to make it moisture resistant and also with a fire retardant compound (Column 3 2-8, and 17-21).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5, 7-9, and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swart (U.S. 4,304,006). Swart discloses the claimed invention substantially as applied in claims 1, 6, and 10-12 above. Buttons, snap fasteners, hook and loop fasteners, straps, and adhesive strips are all functional equivalents in the art and it would be an obvious modification to substitute one for any known type for use as a first fastener.

The moisture resistant fabric that is used to make the coverall garment is made of layers of paper material that is used in making diapers. It is well known to those skilled in the art that diapers are made of a nonwoven breathable material and it would be obvious to make the coverall garment using a cotton or paper non-woven material.

Swart does not state the method of using the garment, but it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the device as claimed.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swart in view of Lenart (U.S. 6,374,415). Swart discloses the invention substantially as applied in claims 1-12 and 14-18 above. However, Swart does not show a third fastener

Art Unit: 3765

coupled to the front portion of the garment. Lenart shows a disposable personal care garment that is made out of any conventional woven or non-woven material (Column 4, 31-32). The garment 10, 30, and 40 all have attachment points on the front of the garment, 16a and b, 32a and b, and 42a and b. The attachment points securely fasten the front portion to the front of the user. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Lenart to modify Swart in order to provide a separable, reusable, or disposable personal care garment.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pointen (U.S. 2,565,739), Hale (U.S. 1,424,013), Schilke (U.S. 1,628,433) and Bowling et al (U.S. 5,414,867) show protective garments.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa J. Tompkins whose telephone number is 571-272- 3425. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on 571-272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3765

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alissa Tompkins
Patent Examiner
Art Unit 3765
May 22, 2006

AJT


JOHN S. CALVERT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700